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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,197	11/09/2001	Matthew R. Williams	IPP0034.CON	8029

7590

04/09/2004

Todd T. Taylor  
TAYLOR & AUST, P.C.  
142 S. Main Street  
P.O. Box 560  
Avilla, IN 46710

EXAMINER
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NGUYEN, SON T

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/037,197	Applicant(s) WILLIAMS, MATTHEW R.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 9-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 19-25 is/are allowed.  
 6) ☒ Claim(s) 1,2 and 9-18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*Art Tm*  
*Prin Exm 3643*

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 3-8 have been cancelled. Pending claims are 1,2-9-25.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,2,9-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. (US 5911198) in view of Brose (US 2394144).

For claim 1, Curen et al. disclose a collar 14 for controlling the behavior of an animal comprising a pressure pulse generator 12 carried by the collar, the generator 12 including a probe (col. 3, line 3) adapted to provide a mechanical stimulus to the skin of the animal to be trained (col. 3, lines 1-6); and a controller 20 coupled with the generator (col. 3, lines 7-39). However, Curen et al. are silent about the probe having an impactor movably disposed therein and a tip, the impactor adapted to mechanically impact the tip to contact and generate a mechanical compression wave that induces a pressure pulse against the skin of the animal.

Brose teaches a force collar comprising a probe M having a movable impactor 16,22 disposed in the probe and a tip 18, the impactor adapted to mechanically impact the tip to contact and generate a mechanical compression wave that induces a pressure pulse against the skin of the animal.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the probe with impactor and tip as taught by Brose for the mechanical stimulus as mentioned in col. 3, lines 1-6 of Curen et al. in order to apply a mechanical pressure to the animal for controlling the animal. Note, Curen et al. already teach an advance animal controlling system with generator and controller, thus, when modified with Brose, this advance system still applies because the only teaching from Brose that the examiner is relying on is a mechanical probe and not to replace the advance animal controlling system with the primitive system of Brose. If one wishes to apply mechanical stimulus in Curen et al., then the generator should be adjusted to supply mechanical compression wave that induces a pressure pulse against the skin of the animal just as the system did for an electrical stimulus.

For claim 2, Curen et al. as modified by Brose (emphasis on Brose) further teach the tip 18 selectively and intermittently extends from the probe (see figs. 2 & 3).

For claims 9,10 & 12, the claimed limitations for these claims are explained in the above claim 1.

For claim 11, Curen et al. as modified by Brose are silent about vary intensity of the pressure pulse. It would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the intensity of the pressure pulse in the device of Curen et al. as modified by Brose, depending on the obedience level of the animal being trained.

For claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the controller of Curen et al. as modified by

Brose controls amplitude of the pulse so that the intensity of the pressure pulse can varied so as to accommodate different level of obedience animal.

4. **Claims 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. as modified by Brose as applied to claims 9 & 19 above, and further in view of Christiansen (US 5815077).

For claim 14, Christiansen discloses a collar 16 for controlling the behavior of an animal comprising a pressure pulse generator/means 28 carried by the collar, the generator including a probe 34 adapted to mechanically contact and generate a pressure pulse against the skin of the animal (see col. 2, lines 39-42 and col. 3, lines 40-48); a controller 24 coupled with the pressure generator for controlling selective application of the pressure pulse. Christiansen further teaches a receiver 36 operatively associated with the controller. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a receiver as taught by Christiansen in the device of Curen et al. as modified by Brose so that the receiver can receives incoming signal from the controller and converts the signal to perceptible forms such as to produce a mechanical stimulus.

For claim 15, Christiansen further teaches the receiver is a radio frequency receiver (col. 2, line 52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a radio frequency receiver as taught by Christiansen in the device of Curen et al. as modified by Brose because the radio frequency receiver is a well known receiver used in many devices such as a radio to pick up signal and the receive is readily available.

For claim 16, both Curen et al. and Christiansen teach a transmitter (see col. 3, line 37 of Curen et al. and reference 14 of Christiansen).

For claim 17, Christiansen further teaches the transmitter is a handheld remote (col. 2, lines 54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a handheld remote as taught by Christiansen in the device of Curen et al. as modified by Brose in order to allow a user to use the device at various locations without being interfered by the use of electrical cords or the like.

5. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. as modified by Brose and Christiansen as applied to claims 9,14,16 above, and further in view of Westrick et al. (US 5,559,498). Curen et al. as modified by Brose and Christiansen is silent about the transmitter comprises a buried wire. Westrick et al. disclose a collar 26 for controlling the behavior of an animal comprising a pressure pulse means 38 carried by the collar; a controller 28 operatively associated with the pulse means; a receiver (col. 4, line 46) operatively operatively associated with the controller; a transmitter 24 operatively associated with the controller, wherein the transmitter comprises a buried wire 18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a transmitter that is a buried wire as taught by Westrick et al. in the device of Curen et al. as modified by Brose and Christiansen in order to prevent the animal from damaging the wire by burying the wire beneath the ground.

***Allowable Subject Matter***

6. **Claims 19-25** are allowed.

***Response to Arguments***

7. Applicant's arguments filed 12/8/03 have been fully considered but they are not persuasive.

**Applicant argued that Brose does not teach an impactor that impacts a tip causing it to contact the skin of the animal. Therefore, Curen et al. in view of Brose do not teach the impactor with a tip. In addition, Brose does not teach impactor that transfers kinetic energy.**

Clearly from figs. 2 & 3 of Brose that he teaches an impactor 16,22 movably disposed in the probe M and a tip 18 to contact the skin of the animal. In addition, Curen et al. state that their system can be used with a mechanical stimulus with one or more probes contacting the skin of the animal (col. 3, lines 1-5); therefore, it would be obvious to combine Curen et al. with Brose's mechanical stimulus, i.e. probe with impactor and tip, to control the animal by having pressure on the skin of the animal. The impactor of Brose does produce kinetic energy (energy in motion by tip moving up and down) against the animal's skin.

***Conclusion***


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (703) 872-9325. The official fax number is 703-872-9306.



Son T. Nguyen  
Primary Examiner, GAU 3643  
April 6, 2004